

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK MALACHOWSKI,
Plaintiff,
v.
ROMONA A. DOHENY,
Defendant.

Case No. 21-cv-05751-VKD

**ORDER TO SHOW CAUSE RE
FAILURE TO PROSECUTE AND FOR
FAILURE TO COMPLY WITH COURT
ORDER**

Re: Dkt. No. 30

On August 10, 2022, the Court granted plaintiff Mark Malachowski's ex parte application for an order permitting service of summons by publication upon defendant Romona Doheny. Dkt. No. 30. In its order, the Court authorized Mr. Malachowski to serve Ms. Doheny by publication and ordered him to also attempt service by mail. *Id.* at 2. Finally, the Court ordered Mr. Malachowski to complete service by publication and file a status report by October 4, 2022. *Id.* at 2-3.

Mr. Malachowski has not filed a status report. The docket does not otherwise indicate that he has served the complaint on Ms. Doheny as ordered.

Accordingly, Mr. Malachowski is directed to appear before the Court in person on **November 1, 2022 at 10:00 a.m.**, Courtroom 2, Fifth Floor of the United States District Court, 280 South First Street, San Jose, California and show cause why the Court should not dismiss the action for failure to prosecute and/or sanction him for failure to comply with the Court's order.

IT IS SO ORDERED.

//

//

1 Dated: October 17, 2022

2
3 Virginia K. DeMarchi
4 VIRGINIA K. DEMARCHI
5 United States Magistrate Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California